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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,274	05/11/1999	ALEXANDER I. MCALLISTER	414.028	7294

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/309,274

Applicant(s)

MCALLISTER, ALEXANDER I.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-3, 5-8, 10-19, 21-22, 24-30, 32-34, 36-39, 40-49, and 51-56 rejected under 35 U.S.C. 102(e) as being anticipated by Beith et al., Patent #6,449,496.**

Regarding claims 1 and 32, Beith teaches a method and means of providing voice responses to commands comprising:

means for receiving a first command (10 Fig.1 and col.9 lines 59-62) ;

means for selecting a first processing option in response to said first command (10 Fig.1, Fig. 7A, col.9 lines 62-64) ;

means for providing a voice message indicative of said first processing option selected (10 Fig.1, 320 Fig.7A and col.10 lines 25-28);

means for providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a voice message (col.10 lines 28-29); and

means of selectively (i) initiating alternate processing in response to a receipt of a second command input(user say "no") during said silent delay period (326 and 372 Fig. 7A), and (ii) initiating said first processing option in response to an absence of said second command input for a duration of said silent delay period (10 Fig.1, 324 Fig.7A).

Regarding claims 2, 3, 33, and 34 Beith teaches the method and means according to claims 1 and 32 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (col.10 lines 25-29).

Regarding claim 5, Beith teaches the method according to claim 1 wherein said first command comprises a speech input (col.9 lines 59-62)

Regarding claims 6 and 36, Beith teaches a method and means of telephone dialing using a voice activated dialer including:
a memory storing a directory of subscriber names and telephone numbers (40 Fig.1 and col.6 lines 9-14),
comparison means for selecting one of said subscribers most closely corresponding to a first speech input and providing a speech output corresponding to the selected one of said subscribers (10 Fig.1 and col.10 lines 25-28);

timer means providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a speech output (10 Fig.1, col.6 lines 9-14, and col.10 lines 28-29); and
control means selectively (i) initiating alternate processing in response to a receipt of a command input during said silent delay period (10 Fig.1 and 372 Fig.7A), and (ii) dialing the telephone number corresponding to the selected one of said subscribers immediately after said delay period and in response to an absence of said command input for a duration of said silent delay period (10 Fig.1 and 324 Fig.7A).

Regarding claims 7, 8, 37, and 38 Beith teaches the method and means according to claims 6 and 36 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (10 Fig.1 and col.10 lines 25-29).

Regarding claims 10 and 40, Beith teaches the method and means according to claims 6 and 36 wherein said command input comprises a DTMF audio signal (10,50 Fig.1, col. 10 lines 28-29 and col.12 lines 47-58; a 'user response' could also be in the form of a DTMF signal, i.e. DTMF signal input from a mobile phone keypad to enter telephone number).

Regarding claims 11 and 41, Beith teaches the method and means according to claims 6 and 36 wherein said command input comprises a second speech input and said method further comprises a step of listening for said second speech input (10 Fig.1 and col.10 lines 29-41).

Regarding claims 12, 13, 42, and 43 Beith teaches the method and means according to claims 11 and 41 wherein said second speech input comprises one of a plurality of predetermined spoken command(10 Fig.1 and col.10 lines 29-41).

Regarding claims 14 and 44, Beith teaches the method and means according to claim 11 and 41 wherein said step of listening includes recognizing said second speech input to provide speech content data and comparing said speech content data with a list of alternative processing commands (10 Fig.1 and col.10 lines 29-41; *comparing said speech data with an alternative list is understood in Beith's system of recognizing the speech command input to provide related processing*).

Regarding claims 15 and 45, Beith teaches the method and means according to claims 11 and 41 further comprising the steps of: receiving said first speech input (10 Fig.1 and col.9 lines 59-62); recognizing a content of said first speech input; and comparing said content with said directory (col.10 lines 1-28; *Beith recognizes the name input and provides options if it compares closely to other names in the directory*).

Regarding claims 16 and 46, Beith teaches the method and means according to claims 15 and 45 wherein said command input comprises a second speech signal and said method further comprises a step of listening for said second speech input (10 Fig.1 and col.10 lines 29-41).

Regarding claims 17 and 47, Beith teaches the method and means according to claims 16 and 46 wherein said step of listening includes the steps and means of receiving said second speech input and recognizing a content of said second speech

input; and comparing said content with a list of alternative processing commands (10 Fig.1 and col.10 lines 29-41; *comparing said speech data with an alternative list is understood in Beith's system of recognizing the speech command input to provide related processing*). .

Regarding claims 18, 19, 48, and 49, Beith teaches the method and means according to claims 16 and 47 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (10 Fig.1 and col.10 lines 28-29).

Regarding claims 21 and 51, Beith teaches the method and means according to claims 16 and 36 wherein said step of providing a speech output includes retrieving audio data corresponding to said selected one of said subscribers and converting said audio data into said speech output (10 Fig.1 and col.10 lines 1-27; *Beith's system retrieves audio data from memory and converts into speech output*).

Regarding claim 22, Beith teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes decoding said audio data (20 Fig.1 and col.10 lines 1-27; *decoding is necessary for conversion of audio to speech data*).

Regarding claim 24, Beith teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes a step of synthesizing speech from said audio data (col.10 lines 1-27; *synthesizing is understood to be performed when extracting audio data into speech output*).

Regarding claims 25 and 26, Beith teaches the method according to claim 6 wherein said alternate processing includes providing a speech output corresponding to the telephone number of said selected one of said subscribers (*col.10 lines 25-41, col.13 lines 1-22*); *alternate names corresponds to an alternate telephone number of one subscriber*)

Regarding claims 27 and 28, Beith teaches the method according to claim 26 including dialing said alternate telephone number of said selected one of said subscribers and supplying a data signal corresponding to said selected one of said subscribers to a remote system, wherein said data signal represents said telephone number of said selected one of said subscribers [*col.10 lines 25-28; it is understood that a data signal corresponding to a subscriber's telephone number is supplied to a CO(remote system)]*).

Regarding claim 29, Beith teaches a method of telephone dialing using a voice activated dialer including a directory of subscriber names and telephone numbers, the method comprising the steps of receiving a first speech input (*col.9 lines 59-62*); recognizing said first speech input to provide first speech content data, selecting one of said subscribers most closely corresponding to said first speech content data and providing a speech output corresponding to the selected one of said subscribers (*col.10 lines 25-27*);;
providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately subsequent to a completion of said step of providing a speech

output (col.10 lines 28-29);

listening for a second speech input during said silent period(col.10 lines 28-41);

recognizing said second speech input to provide second speech content data(col.10 lines 29-41); and

selectively (i) initiating alternate processing in response to said second speech content data including an alternate processing command, and, otherwise, (ii) dialing the telephone number corresponding to the selected one of said subscribers immediately after said delay period (col.10 lines 25-41).

Regarding claim 30, Beith teaches the method according to claim 29 wherein said predetermined duration of said silent delay period is in a range of 1.5 to 2.0 seconds (col.10 lines 28-29).

Regarding claim 52, Beith teaches a voice activated dialer comprising:
a memory storing a directory of subscriber names and telephone numbers (40 Fig.1;
col.6 lines 9-14),

a speech recognition engine receiving a speech input and providing content data derived from said speech input signal (10 Fig.1 and VR col.9 lines 59-65);

a processor responsive to said content data for selecting one of said subscribers and an audio output providing a speech signal corresponding to the selected one of said subscribers (10 Fig.1, col.6 lines 9-14 and col.10 lines 25-41); and

a timer providing a silent delay period of a predetermined duration immediately

subsequent to a completion of providing said speech signal (10 Fig.1 and *col.6 lines 9-14*) wherein said processor selectively (i) initiates alternate processing in response to a receipt of a command input during said silent delay period, and (ii) initiates a dialing of the telephone number corresponding to the selected one of said subscribers immediately after said delay period and in response to an absence of said command input for a duration of said silent delay period (10 Fig.1 and *col.10 lines 25-41*).

Regarding claims 53 and 54, Beith teaches the voice activated dialer according to claim 52 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (10 Fig.1 and *col.10 lines 28-29*).

Regarding claim 55, Beith teaches a voice activated dialer comprising:

- a memory storing a directory of subscriber names and telephone numbers (40 Fig.1 and *col.6 lines 9-14*);
- a speech recognition engine responsive to a speech input for providing speech content data and a processor responsive to said speech content data and to a set of instructions for (i) selecting one of said subscribers most closely corresponding to first speech content data (10 Fig.1, *col.6 lines 9-14*, and *col.10 lines 1-5*);
- (ii) providing a speech output corresponding to the selected one of said subscribers (*col.10 lines 25-30*);
- (iii) providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately after providing said speech output (*col.10 lines 28-29*);
- (iv) initiating alternate processing in response to second speech content data

including an alternate processing command, and, otherwise, (ii) dialing the telephone number corresponding to the selected one of said subscribers immediately after said delay period (col.10 lines 25-41).

Regarding claim 56, Beith teaches the voice activated dialer according to claim 55 wherein said predetermined duration of said silent delay period is in a range of 1.5 to 2.0 seconds (col. 10 lines 28-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, 20, 23, 31, 35, 39, 50, and 57 rejected under 35 U.S.C. 103(a) as being unpatentable over Beith et al., Patent #6,449,496.

Regarding claims 4, 9, 20, 31, 35, 39, 50, and 57, Beith discloses the method and means according to claims 1, 6, 29, 32, 36, 52, and 55 wherein said duration of said silent delay period is in a range of 1.5 seconds (col.10 lines 28-29).

Beith is silent on the delay period being exactly 1.8 seconds.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to establish 1.8 seconds as the delay period. 1.8 seconds is a matter of user's preferences which can be easily programmed in and not critical for the operation of Beith's system.

Regarding claim 23, Beith teaches the method according to claim 21.

Beith is silent on his method of converting said audio data into said speech output including concatenating a plurality of phonemes (*col.10 lines 1-27*)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use concatenation of a plurality of phonemes to convert audio to speech data. One of ordinary skill in the art would have been motivated to do this as combining a plurality of phonemes to arrive at the closest word is old and well-known in the art. For example the unit of b's in Bob or the 't' and 's' in Thomas.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Application/Control Number: 09/309,274
Art Unit: 2645

JTP
October 1, 2002

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written in a cursive style.